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June 21, 2021

Hon. Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
Room 240
New York, NY 10007

*RocketFuel Blockchain Company et ano. v.
Ellenoff Grossman & Schole LLP (Case 1:21-cv-01764-VEC)*

Dear Judge Caproni:

We represent the plaintiffs in this case. The Court's scheduling Order dated April 23, 2021 (ECF #19), provided that if the defendant moved to dismiss, plaintiffs could amend their complaint. Plaintiffs did amend their complaint (ECF #27) on June 18, 2021.

We point out that the amendment does not add claims or legal theories, but rather, adds substantial detail to the factual allegations. We believe that the earlier pleading's claims were validly stated and would survive a Rule 12(b)(6) motion, but that amendment made sense because defendant's motion to dismiss filed on May 21, 2021 (ECF ##23-25), was based in substantial part upon ten exhibits submitted with the motion which were discussed extensively in defendant's supporting brief. While we do not agree that defendant's discussion of those exhibits was accurate or in many respects permissible on a Rule 12(b)(6) motion to dismiss, we believe that the more detailed allegations will assist in framing issues and be helpful in the event the defendant again moves to dismiss.

At the pretrial conference on April 23, the Court stated that if plaintiffs "file[] an amended complaint, I will dismiss the first motion as moot and we will start all over again." (Transcript at p. 3, ECF ##21, 22) The Court's April 23 scheduling Order also provided that at this time (the time at which plaintiffs would amend or oppose the earlier motion), the Court

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would “decide whether to enter a Case Management Plan or leave discovery stayed” (ECF #19) Plaintiffs believe that a Case Management Plan may now be entered.

Respectfully submitted,



Richard J.J. Scarola

By ECF

Copy (By ECF) to

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